

**UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA**

1535

U.S.A. vs. Sean Wagner

Docket No. 04-00178-007

Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Sean Wagner, who was placed on supervision by the Honorable Thomas M. Hardiman sitting in the Court at Pittsburgh, Pennsylvania, on the 5th day of August 2005, who fixed the period of supervision at three years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- Shall participate in a program of testing and, if necessary, treatment for substance abuse as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall submit to at least one drug test within 15 days of being released on supervision and at least two periodic tests thereafter.
- Shall be placed on home detention for a period of three months, to commence immediately following his release from the drug treatment program. At the direction of the probation officer, the defendant shall wear an electronic monitoring device.
- Shall pay a special assessment of \$100.
- Shall pay restitution, jointly and severally, in the amount of \$10,336.97.
- Shall not possess a firearm, destructive device, or any other dangerous weapon.
- Shall provide the probation officer with access to any requested financial information.
- Shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

2008-11-26 3:05 PM
CLERK OF COURT

- 08/05/05: Conspiracy; 8 months' imprisonment with credit for time served, to be followed 3 years' supervised release. Following the term of imprisonment, shall participate in a drug treatment program for a period of 90 days, with at least the first 28 days consisting of inpatient drug treatment.
- 12/09/05: Released to supervision; Currently supervised by U.S. Probation Officer Shannon Smith Meyers.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Your Petitioner reports that the client has violated the following conditions of his supervised release:

Shall not commit another federal, state, or local crime.

On October 27, 2008, this officer received notification of a new arrest via the Federal Bureau of Investigation Criminal Justice Information Services Division, reporting that Mr. Wagner was arrested by the West View Borough Police Department on October 23, 2008. Mr. Wagner was charged with the following: Theft By Unlawful Taking; Receiving Stolen Property; and four summary traffic violations. A preliminary hearing has been scheduled for January 7, 2009.

On November 20, 2008, this officer received a telephone call from Detective Richard A. Yochus of the City of Pittsburgh Bureau of Police. He informed this officer that Mr. Wagner and another individual had been involved in the theft of a number of items, several of which were firearms, from a private residence on Brighton Road during the week of November 3, 2008. As a result of the investigation, Mr. Wagner was charged with two counts of Theft by Unlawful Taking. On November 24, 2008, a preliminary hearing was held in Pittsburgh Municipal Court and both charges were waived to court.

Shall not possess a firearm or destructive device.

On November 21, 2008, the supervised releasee was arrested by the City of Pittsburgh Police Department and charged with Theft by Unlawful Taking (2 counts). At least two of the items taken from the private residence by the supervised releasee were firearms.

Shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance or any paraphernalia related to such substances, except as prescribed by a physician.

A urine sample obtained from the supervised releasee on September 12, 2008, tested positive for morphine.

Shall participate in a program of testing and treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.

The supervised releasee failed to participate in his outpatient treatment program. The treatment provider had no contact with the supervised releasee from September 12, 2008, the date of referral.

Shall notify the probation officer within 72 hours of any change in residence or employment.

The supervised releasee failed to notify this officer of his new address, and his current whereabouts are unknown.

Shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.

The supervised releasee failed to notify this officer of his November 21, 2008, arrest.

Shall report to the probation officer and submit a truthful and complete written report within the first five days of each month.

The supervised releasee failed to report to this officer as instructed on October 31, 2008. The supervised releasee has failed to submit his written monthly report forms for January, February, March, April, May, June, July, August, September, and October 2008.

Shall pay restitution, jointly and severally, in the amount of \$10,336.97.

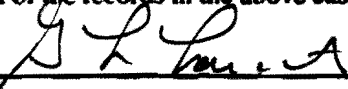
As of the date of this petition, the amount due towards restitution is \$7,962.57. The last payment was received on May 27, 2008.

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PRAYING THAT THE COURT WILL ORDER a bench warrant be issued for the arrest of the supervised releasee for alleged violation of supervision and that bond be set at ~~\$~~ By A USMA S. STUART Judge

ORDER OF COURT

Considered and ordered this 29th day of Nov, 20 08 and ordered filed and made a part of the records in the above case.



U.S. District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed
on

November 26, 2008



Shannon Smith Meyers
U.S. Probation Officer



Paul J. Dippolito
Supervising U.S. Probation Officer

Place: Pittsburgh, PA